

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLICATION No 97 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SHARDABEN POONAMBHAI MAKWANA

Versus

POONAMBHAI KALABHAI MAKWANA

Appearance:

MR MP PRAJAPATI for the Petitioner.
RULE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/03/2004

ORAL JUDGEMENT

Though served, none appears.

The case of the petitioner-wife is that she has
filed execution application in connection with the order
of the Family Court in Family Suit No.1605 of 2000,

which, according to her, is pending in the Family Court at Ahmedabad. It is submitted that the petitioner finds it very difficult to go to Gandhinagar to attend the proceedings initiated by the husband, being H.M.P. No. 9 of 2003, before the Court of Civil Judge (Senior Division), Gandhinagar, which is filed for getting decree for divorce. It is submitted by Mr.Prajapati, learned Advocate for the petitioner, that H.M.P. No.9 of 2003 is required to be transferred to the Family Court at Ahmedabad, as the petitioner is residing at Ahmedabad, and some other proceedings, such as Execution Application No.91 of 2002, are pending before the Family Court at Ahmedabad. It is submitted by Mr.Prajaapti that the petitioner is having a physically handicapped minor daughter and it is difficult for her to go to Gandhinagar to attend the proceedings with the physically handicapped daughter.

This application is not resisted by the other side by filing reply nor any appearance is made by engaging an Advocate.

Considering the submissions of Mr.Prajapati and in view of the grounds mentioned in the Application, this MCA is required to be allowed. Proceedings pending before the Civil Judge (Senior Division), Gandhinagar, being HMP No.9 of 2003, is ordered to be transferred to the Family Court at Ahmedabad. After such transfer, the Family Court, Ahmedabad is directed to decide the said H.M.P. in accordance with law and dispose of the same on its own merits.

Rule is made absolute accordingly, with no order as to costs.

Writ to be sent to the concerned courts forthwith.

1st March, 2004 (P.B. Majmudar, J.)

(apj)